

Appl. No. 08/881,509

Amdt. Dated Sept. 3, 2003

Reply to Final Office Action of March 6, 2003 and Advisory Action of July 28, 2003

REMARKS

Claims 2, 4-7, 26 and 45-46 were pending in the instant application. By this Amendment, Applicant has amended claims 2, 4-7, and 26 for clarity, to address the Examiner's concerns, and to eliminate improper multiple dependencies. In that regard, claim 48, incorporating subject matter removed from claim 7, and claim 49, incorporating subject matter of claim 26, were added in the previous Amendment, which was not entered. Therefore, Applicants respectfully request that the Examiner now enter claims 48 and 49. By this Supplemental Amendment, Applicant is canceling a corresponding number of pending claims, namely claims 45 and 46. Support for the claim amendments can be found in the specification and claims as originally filed. The Specification has been amended to correct typographical errors introduced into the specification with the Amendment of December 20, 2002. The present Supplemental Amendment introduces no new matter, and thus, its entry is respectfully requested. Upon entry of the present Amendment, claims 2, 4-7, 26, and 48-49 will be pending.

March 6, 2003 Final Office Action:

Withdrawal of previous rejections:

The Examiner withdrew the previous rejections under 35 U.S.C. § 112, first and second paragraphs.

In response, Applicants acknowledge and appreciate the withdrawal of these rejections.

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Examiner's Rejection under 35 U.S.C. §112, second paragraph:

The Examiner rejected claims 2, 4-7, 26 and 45-46 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The Examiner stated that claims 2, 4-7, 26 and 45-46 recite the limitation "amino acid sequences VGG (SEQ. ID NO: 46), VLSG (SEQ. ID NO: 47), ATG (SEQ. ID NO: 48), VSG (SEQ. ID NO: 49), DSG (SEQ. ID NO: 50), VVSG (SEQ. ID NO: 51), ALAG (SEQ. ID NO: 52), APSG (SEQ. ID NO: 53) and VGR (SEQ. ID NO: 54)," in lines 9-12 of claim 2. The Examiner then asserted that there is insufficient antecedent basis for this limitation in the claim. Specifically, the Examiner pointed to page 7 of the specification, stating that it discloses that SEQ ID NO: 46 is YCL VGG SARQLTF, that SEQ. ID NO: 49 is YCL VLSG SARQLTF, that SEQ ID NO: 50 is YCL DSG SARQLTF, that SEQ. ID NO: 51 is YCL VVSG SARQLTF, that SEQ. ID NO: 52 is YCL ALAG SARQLTF, that SEQ. ID NO: 54 is YCL APSG SARQLTF, and that SEQ. ID NO: 53 is YCL VGR SARQLTF. The Examiner then concluded that the disclosed and recited sequences for each SEQ. ID NO: tag do not match.

In response, Applicant believes that claim 2, as amended, fully addresses the Examiner's concerns and overcomes the rejection under 35 U.S.C. 112, second paragraph. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Examiner's Objection:

The Examiner objected to claim 2 because of the following informalities: in line 11 of claim 2 there was no parenthesis after "VGR" and before "SEQ. ID NO:". Also, in line 11 of the

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same claim, the phrase "ID NO. 51" was inconsistent with the punctuation of the other SEQ ID tags in the claim which recited, for example, "ID NO: 52." The Examiner required appropriate correction.

In response, Applicant asserts that the amendments to claim 2 fully overcome the Examiner's objection. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to claim 2.

The July 28, 2003 Advisory Action

In the July 28, 2003 Advisory Action, the Examiner indicated that the Applicant's June 6, 2003 Amendment, submitted in response to the March 6, 2003 Final Office Action, would not be entered. In the Examiner's opinion, the Amendment would have raised new issues that would have required further consideration and/or search and would have raised the issue of new matter. Furthermore, the Examiner noted that additional claims were presented without cancelling a corresponding number of finally rejected claims. Specifically, the Examiner indicated that claim 2 (which the Examiner mistakenly referred to as claim 1) would be made indefinite by the deletion of the definition for " $(X_1 \dots X_n)$ " within SEQ ID NO: 23. In the Examiner's view, the claim as amended would have encompassed sequences of any size.

In response, Applicant has amended claim 2 for clarity to overcome the Examiner's concern. In the proposed amended version of the claim, Applicant has deleted SEQ ID NO: 23 (which includes the $X_1 \dots X_n$ sequence) as unnecessary because this sequence includes only the sequences already specifically set forth in the claim as SEQ ID NOS: 46-54. Applicant asserts that claim 2, as amended herein, now more clearly recites nucleotide sequences which encode

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either: one of the amino acid sequences set forth in part (a) of the claim, or an amino acid sequence having at least 90% identity and equivalent specificity to one of the sequences set forth in part (a). Accordingly, Applicant respectfully requests that the Examiner enter this Supplemental Amendment and withdraw the rejection of the presently pending claims.

Moreover, by this Amendment, Applicant has canceled two finally rejected claims (45 and 46), and therefore respectfully requests that previously un-entered claims 48 and 49 now be entered.

In view of the above amendments and remarks, it is believed that the claims satisfy the requirements of the patent statutes and fully address the Examiner's concerns as set forth in the March 6, 2003 Final Office Action and the July 28, 2003 Advisory Action. Reconsideration of the instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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